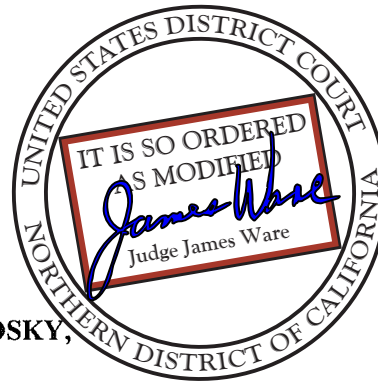


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2 **TODD H. MASTER, ESQ. [SBN: 185881]**
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Attorneys for Defendants

5 **CITY OF MONTE SERENO, BRIAN LOVENTHAL,**
6 **ERIN GARNER, A. CURTIS WRIGHT, MARK BRODSKY,**
7 **BARBARA NESBET and DAVID BAXTER**



8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 JOSEPH PADGETT and DARLA PADGETT,

13 Plaintiffs,

14 vs.

15 CITY OF MONTE SERENO, et al.

16 Defendants.

Case No: C 04 03946 JW

17 **STIPULATION AND ORDER TO**
18 **CONTINUE PRELIMINARY PRETRIAL**
19 **AND TRIAL SETTING CONFERENCE**

[Civ. Local Rule 6-2]

20 **Date: May 22, 2006**
21 **Time: 11:00 a.m.**
22 **Judge: Hon. James Ware**
23 **Courtroom: 8, 4th Floor**

24 This matter is currently scheduled for a Preliminary Pretrial and Trial Setting Conference
25 (“Conference”) on May 22, 2006. Pursuant to Local Rule 6.2, Defendants CITY OF MONTE
26 SERENO, BRIAN LOVENTHAL, ERIN GARNER, A. CURTIS WRIGHT, MARK
BRODSKY, BARBARA NESBET and DAVID BAXTER (collectively, “City Defendants”) and
Plaintiffs JOSEPH PADGETT and DARLA PADGETT (collectively, “Plaintiffs”), acting

1 through their respective counsel, hereby stipulate to continue the Conference 60 days, and
 2 respectfully request that the Court issue this order in accordance with the parties'¹ stipulation.

3 The parties request the continuance for the following reasons. First, the case was
 4 scheduled for mediation on May 8, 2006 with Howard Herman. On Friday, May 5, 2006, Mr.
 5 Herman advised the parties' counsel that he would not be able to attend the mediation because of
 6 a family emergency. The parties would like to conclude mediation prior to the Conference and
 7 will work to reschedule mediation with Mr. Herman as soon as he is available. We understand
 8 that Mr. Herman might not return for two to three weeks. Second, the Court heard City
 9 Defendants' Motion for Summary Judgment on April 17, 2006 and took the matter under
 10 submission. The parties believe that both an order on that motion, and the completion of
 11 mediation, prior to the Conference will streamline the remaining issues, if any, for discussion at
 12 the Conference.
 13
 14

15 The Conference was originally scheduled for April 10, 2006, but was continued by the
 16 Court to its current date pursuant to its March 21, 2006 Order (Docket No. 205). There have
 17 been no other continuances of the Conference.

18 Date: May 9, 2006

HOWARD ROME MARTIN & RIDLEY LLP

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 20 By: 

Todd H. Master
 Attorneys for City Defendants

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¹ While Plaintiffs have amended their complaint to add Lisa Rice as a defendant and have served her with the amended complaint, she has yet to make an appearance in the case in response thereto.

1 Date: May 16, 2006

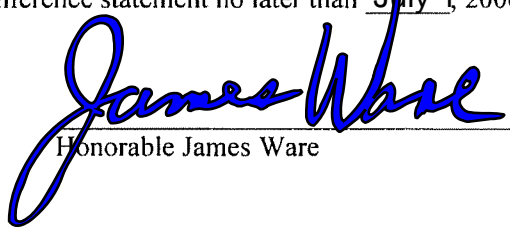
McMANIS FAULKNER & MORGAN

2
3 By: 

4 Michael Reedy
Attorneys for Plaintiffs

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6
7 PURSUANT TO STIPULATION, IT IS SO ORDERED that the Preliminary Pretrial and Trial
8 Setting Conference is continued from May 22, 2006 to July 10, 2006. The parties shall file a
9 joint preliminary pretrial/trial setting conference statement no later than July 1, 2006.

10
11 DATED: May 11, 2006


Honorable James Ware